BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

DAWN A. DENNING CHAVEZ Claimant	
VS.) Docket No. 210,190
MEADOWBROOK MANOR Respondent) Docket No. 210, 190
AND	
ZURICH INSURANCE COMPANY Insurance Carrier	

<u>ORDER</u>

Respondent appeals from an April 23, 1996 preliminary hearing Order wherein Administrative Law Judge John D. Clark awarded claimant preliminary benefits.

ISSUES

Whether claimant met with personal injury by accident arising out of and in the course of her employment with respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds claimant has met her burden of proving that she suffered a new injury to her back as a result of her work with respondent on December 29, 1995. The medical records and reports, particularly those of the treating physician, Alan J. Fearey, M.D., support this conclusion as does the testimony of the claimant.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the April 23, 1996 Order of Administrative Law Judge John D. Clark is affirmed.

II IS SO ORDERED.		
Dated this	day of June 1996.	

IT IS SO OPPEDED

BOARD MEMBER

c: Alice K. MacBeth, Wichita, KS Wade A. Dorothy, Lenexa, KS John D. Clark, Administrative Law Judge Philip S. Harness, Director